

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RACQUEL LEWIS,

Plaintiff,

V.

TYLER TECHNOLOGIES,

Defendant.

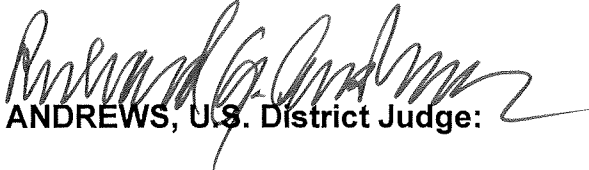
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: Civil Action No. 23-296-RGA

Racquel Lewis, Wilmington, Delaware. Pro Se Plaintiff.

MEMORANDUM OPINION

November 13, 2023
Wilmington, Delaware


ANDREWS, U.S. District Judge:

Plaintiff Racquel Lewis appears *pro se* and has been granted leave to proceed *in forma pauperis*. (D.I. 4). She commenced this action on March 17, 2023. (D.I. 2). Pending are two motions to seal. (D.I. 5, 6). The Court proceeds to screen the Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B).

BACKGROUND

The following facts are taken from the Complaint and assumed to be true for purposes of screening the Complaint. See *Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021).

In December 2022, Plaintiff attempted to file a “court claim while using Maryland online courts submission portal.” (D.I. 2 at 9). She got an error message “before creating a password.” (*Id.*). She called Tyler Tech., which instructed her to make a new account with a new username. (*Id.*). She was unable to make it work. She concluded that she was being “blocked by Tyler Technology’s client Department of Education.” (*Id.* at 10).

She brings claims for obstruction of justice, “ECPA including SCA,” “Violation of Privacy – Intrusion Upon Seclusion,” “CCPA – Data Protection Law California Code Sec 1798.80,” “Cyber Harassment,” and “Interstate Harassment.” (*Id.*). She requests \$200,000 in damages and a “complete end to all cyber and other forms of blocks harassment and bullying.” (*Id.* at 7).

SCREENING OF COMPLAINT

A federal court may properly dismiss an action *sua sponte* under the screening

provisions of 28 U.S.C. § 1915(e)(2)(B) if “the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief.” *Ball v. Famiglio*, 726 F.3d 448, 452 (3d Cir. 2013) (quotation marks omitted); see also 28 U.S.C. § 1915(e)(2) (*in forma pauperis* actions). The Court must accept all factual allegations in a complaint as true and take them in the light most favorable to a *pro se* plaintiff. See *Phillips v. County of Allegheny*, 515 F.3d 224, 229 (3d Cir. 2008). Because Plaintiff proceeds *pro se*, her pleading is liberally construed and her Complaint, “however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007).

A complaint is not automatically frivolous because it fails to state a claim. See *Dooley v. Wetzel*, 957 F.3d. 366, 374 (3d Cir. 2020). Rather, a claim is deemed frivolous only where it relies on an “‘indisputably meritless legal theory’ or a ‘clearly baseless’ or ‘fantastic or delusional’ factual scenario.’” *Id.*

The legal standard for dismissing a complaint for failure to state a claim pursuant to § 1915(e)(2)(B)(ii) is identical to the legal standard used when ruling on Rule 12(b)(6) motions. *Tourscher v. McCullough*, 184 F.3d 236, 240 (3d Cir. 1999). A well-pleaded complaint must contain more than mere labels and conclusions. See *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). A plaintiff must plead facts sufficient to show that a claim has substantive plausibility. See *Johnson v. City of Shelby*, 574 U.S. 10, 12 (2014) (per curiam). A complaint may not be dismissed, however, for imperfect statements of the legal theory supporting the claim asserted. See *id.* at 11.

A court reviewing the sufficiency of a complaint must take three steps: (1) take note of the elements the plaintiff must plead to state a claim; (2) identify allegations that, because they are no more than conclusions, are not entitled to the assumption of truth; and (3) when there are well-pleaded factual allegations, assume their veracity and then determine whether they plausibly give rise to an entitlement to relief. *Connelly v. Lane Constr. Corp.*, 809 F.3d 780, 787 (3d Cir. 2016). Elements are sufficiently alleged when the facts in the complaint “show” that the plaintiff is entitled to relief. *Iqbal*, 556 U.S. at 679 (quoting Fed. R. Civ. P. 8(a)(2)). Deciding whether a claim is plausible will be a “context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Id.*

DISCUSSION

Plaintiff’s Complaint, even when viewed in the light most favorable to her, is frivolous and fails to state a claim. The Complaint states that she was unable to log onto a website. That’s it. My experience and common sense lead me to the conclusion that the allegations are legally frivolous. In other words, they “are so attenuated and unsubstantial as to be absolutely devoid of merit, . . . wholly insubstantial, . . . obviously frivolous, . . . plainly unsubstantial, . . . or no longer open to discussion.” *Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974) (internal citations and quotation marks omitted). Plaintiff has failed to state a claim under any of the legal theories she cites, and there is no plausible manner in which she could state a claim based on her allegations. Amendment is therefore futile.

Plaintiff’s motions to seal will be denied. There is a “strong presumption of

openness [which] does not permit the routine closing of judicial records to the public."

Miller v. Indiana Hosp., 16 F.3d 549, 551 (3d Cir. 1994) (internal citation omitted).

Plaintiff has not met the "heavy burden" of showing that "disclosure will work a clearly defined and serious injury" to her, *Publicker Indus., Inc. v. Cohen*, 733 F.2d 1059, 1071 (3d Cir. 1984), or that closure is "essential to preserve higher values and is narrowly tailored to serve that interest," *Globe Newspaper Co. v. Superior Court for Norfolk Cnty.*, 457 U.S. 596, 606 (1982). Plaintiff does not begin to make the necessary showing. See *In re Avandia Mktg., Sales Pracs. & Prod. Liab. Litig.*, 924 F.3d 662, 672-73 (3d Cir. 2019).

CONCLUSION

For the above reasons, the Court will dismiss the Complaint pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

Amendment is futile.

An appropriate Order will be entered.